

Theresa Groff  
180 Middle Road  
Preston, CT

2/19/2014

S.B.72 AN ACT CONCERNING LIABILITY FOR THE GROWING  
OF RUNNING BAMBOO

Dear Environment Committee

Thank you for proposing S.B. 72. I support the intent of S.B.72 with the following addition: Declaring running bamboo a nuisance with a minimum 40 foot setback - a no bamboo buffer zone where bamboo cannot exist including rhizomes.

As you already know, *Phyllostachys* Running Bamboo is very invasive to all properties: private, commercial, educational and municipal.

Of great concern is the escaping bamboo in wetlands, parks, city streets, state highways and railroad property as well as expensive private septic systems. The rhizomes are insidious and extremely invasive protruding through asphalt, concrete, and over and around and under flimsy barriers.

A pinhole is all the plant needs to escape and cause havoc on unsuspecting neighbors. Plastic rigid barriers, circular barriers and flexible barriers have all failed. (See the photos)

As a field researcher I have personally photographed 187 different properties in Eastern CT and NONE of them, NONE of them is contained. We need a minimum 40 foot no bamboo buffer zone with constant vigilance to stop the damaging spread into abutting properties including wetlands.

Running bamboo infestations have escaped along the Shetucket River in Occum, the Mumford Cove vernal pool in Groton Long Point, the three brooks in Preston and more sites. There is an extensive *Phyllostachys* infestation in Cat Hollow Park in Killingly that has aggressively escaped from private property. There is the 600+ foot long jungle off Everett St and Coolidge Road in Norwich that involves six separate properties including active railroad tracks (for freight) and the Thames River. There is a lovely natural state owned (Rose Hill) nature preserve shared by Preston/Ledyard. A stone wall separates the preserve from a 50'x50' stand of *Phyllostachys*

*aureosulcata*. (See the photo) The homeowner and former seller planted the bamboo in an enclosed container and it escaped in all directions. They admitted to using the concentrated Round Up on the escapees but that doesn't work either. Homeowners have told me about using a combination of paint thinner (turpentine) and gasoline in desperation.

I have documented barrier failures in Norwich, North Stonington, Ledyard, Lyme and East Hampton. (See the photos) A prominent garden center has escaping bamboo under their nicely paved asphalt driveway popping up under and around shrink wrapped pallets of bagged mulch and bagged potting soils. This is another good example of failure to contain. They were witnessed trying to pull up the young culms by hand and were not successful. If a well-established garden center that sells all kinds of barriers and herbicides cannot control their bamboo how can a homeowner? (See the 4 photos)

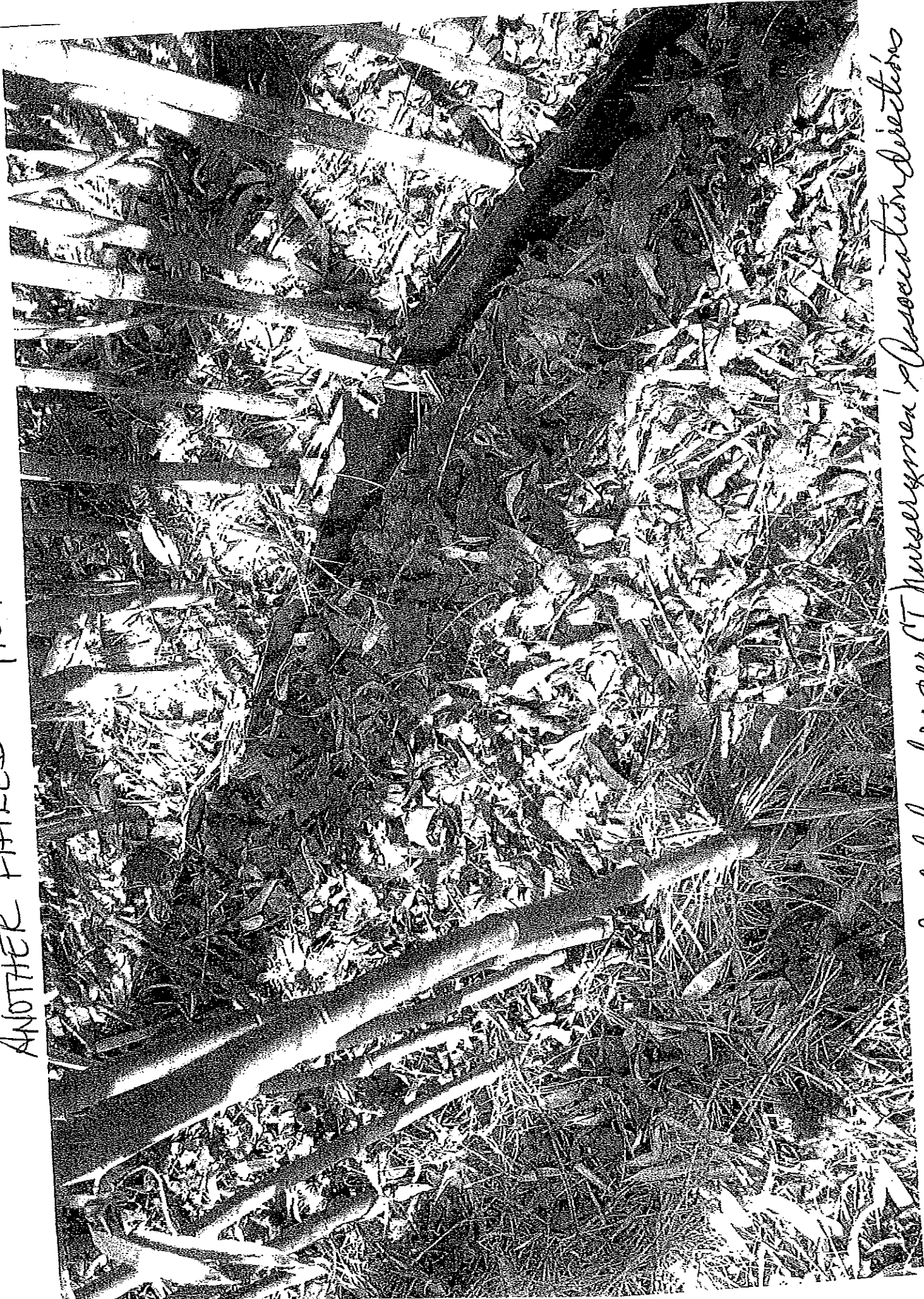
CT DEEP recommends cutting and repeated strong herbicide application such as Round-UP and other vegetation killers - they are all ineffective - that is why chemical manufacturers do not list *Phyllostachys* on the labels. Declaring *Phyllostachys* running bamboo a nuisance with a minimum 40 foot setback - a no bamboo buffer zone where bamboo cannot exist including rhizomes and proper disposal of rhizomes by incineration is the only way we'll have a chance to protect our public parks, wetlands and private properties. Please include stiffer fines for violations.

Thank you for your hard work to control this potential environmental disaster.

Sincerely,

Theresa Groff

ANOTHER FAILED HDPE PLASTIC BARRIER



100' - 120' across planted bamboo per IT nurserymen's association directions

# Town of Orange CT.

Have Bamboo? Pay Attention: Town Has A Strict Ordinance Against It  
Feb 14 2014

If you have been following the Board of Selectmen's meetings over the past few months, you most likely are aware of a growing problem in Orange that demanded their attention.

Bamboo may be beautiful, with its graceful stalks and flowing leaves, but in a town such as Orange, where many residents have septic systems and homes in close proximity to their neighbors, one simple planting of bamboo can lead to a nightmare situation for the homeowner and their neighbors.

Bamboo roots spread and travel underground far from the visible plants and new shoots can pop up just about anywhere. They are strong enough to tear up patios and foundations and destroy septic systems.

After much consideration, the Board of Selectmen came up with an ordinance for the town of Orange that expands on the state statute defining running bamboo as a nuisance.

Look over this entire ordinance so you will be aware of your rights if you have bamboo on your property or if a neighbor has bamboo that is invading your space.

Existing bamboo will appear on land records, so potential new homeowners won't have any surprises.

## TOWN OF ORANGE

### NOTICE OF AMENDMENT OF SECTION OF CODE

In accordance with Section 3.4 of the Charter of the Town of Orange, notice is hereby given to the legal voters and those persons qualified to vote in Town Meetings of the Town of Orange that on February 12, 2014 the Orange Board of Selectmen amended a Section of the Code of the Town of Orange, by adding a new Chapter 175 – An Ordinance, adopted Pursuant to Conn. Gen. Stat. Section 7-148 (c) (7) (E), Defining Running Bamboo As A Nuisance And Adopting Regulations For the Control of Running Bamboo.

#### CHAPTER 175

### AN ORDINANCE, ADOPTED PURSUANT TO CONN. GEN. STAT. §7-148 (c) (7) (E), DEFINING RUNNING BAMBOO AS A NUISANCE AND ADOPTING REGULATIONS FOR THE CONTROL OF RUNNING BAMBOO

#### SECTION I. PURPOSE AND INTENT.

The Town of Orange, through Board of Selectmen, has determined that running bamboo, as defined herein, is a nuisance. The purpose of this Ordinance is to preserve and protect private and public property from the damaging spread of running bamboo grasses and to protect indigenous plants and the wildlife they support from the invasive spread of such bamboo.

## SECTION II. DEFINITIONS.

**Running Bamboo** – Any bamboo in the genus *Phyllostachys*, including *Phyllostachys aureosulcata*, including rhizomes.

**Running Bamboo Owner(s)** – Any property owner(s) who, or which, have Running Bamboo planted in the ground on their property, even if the Bamboo has spread onto their property from an adjoining property.

**Buffer Zone** – A distance of at least 100 feet from any abutting property or public or private right of way.

**D. Town** – The Town of Orange, New Haven County, State of Connecticut.

**E. Enforcement Officer** – The zoning enforcement officer and/or the inland wetlands and watercourses enforcement officer may enforce the provisions of this Ordinance.

**Notice** – Any written notice by, from or on behalf of the Town, notifying the Running Bamboo Owner(s) that they are in violation of this Ordinance and directing them to cure or fix the violation. Such Notice shall conform with section 195-8 of the Town Code and shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Town. A copy may also be posted on the property in question.

**Receipt of Notice** – Receipt of the Notice required herein shall be three days after the date of mailing of said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

## SECTION III. NO PLANTING OF RUNNING BAMBOO.

A. Pursuant to Conn. Gen. Stat. §7-148 (c) (7) (E), Running Bamboo is determined to be a nuisance and the planting of Running Bamboo is prohibited in the Town.

B. Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.

Any person who plants or replants Running Bamboo within the Town limits after the effective date of this Ordinance shall be in violation of this Ordinance and shall be subject to the penalties set forth herein.

## SECTION IV. REGULATION OF AND LIMITATIONS ON EXISTING RUNNING BAMBOO.

Any Running Bamboo already in existence on any property within the Town limits as of the effective date of this Ordinance, may remain on such property, subject to the following regulation: Running Bamboo shall not be permitted to exist within any Buffer Zone.

B. Running Bamboo Owner(s) shall take all necessary measures to ensure that any Running Bamboo on their property does not exist within any Buffer Zone. Such measures shall include, but are not limited to, cutting down Running Bamboo existing in the Buffer Zone and physically removing or applying herbicide to the rhizomes or spraying any regrowth for several years until the Running Bamboo is dead and, if the removal of the Running Bamboo is impracticable, then by installing a barrier of impenetrable material and placed no less than 25 feet from the property line at a sufficient depth to prevent any growth of Running Bamboo within any Buffer Zone.

No person shall cause Running Bamboo or the rhizomes of Running Bamboo to be deposited, discarded or otherwise placed into compost or mulch or disposed of at the Town Transfer Station.

This Ordinance shall not be deemed to alter any rights at common law, as provided by P.A. 13-82 or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.

#### SECTION V. REMOVAL OF RUNNING BAMBOO.

If Running Bamboo on any property grows in or into any Buffer Zone or if Running Bamboo is discovered to have been deposited, discarded or otherwise placed into compost or mulch, the Town, through its Enforcement Officer(s), shall give Notice to the Running Bamboo Owner(s), as required by this Ordinance, that the said Owner(s) are responsible for the extermination or removal of such Running Bamboo from the Buffer Zone.

Any Running Bamboo Owner(s) receiving Notice under this Ordinance shall remove all Running Bamboo that is in violation of this Ordinance within thirty (30) days of the Receipt of Notice, as defined herein.

In the event that any Running Bamboo Owner does not remedy and correct the violations set forth in any Notice issued by the Enforcement Officer, then Town, in accordance with Conn. Gen. Stat. §7-148 (c) (7) (E), may, upon the action of the Board of Selectmen, abate and remove any Running Bamboo that is in violation of this Ordinance, take all reasonable action to eradicate its re-growth and restore any real property to its natural condition. The Running Bamboo Owner(s) shall be liable to the Town for the costs of the abatement and removal of the Running Bamboo.

#### SECTION VI. PENALTIES.

Any property owner, whether a person, firm, corporation, or other legal entity, violating any of the provisions of this Ordinance shall be subject to the following penalties, upon conviction of such violation:

A. A fine in the amount of \$250.00 shall be assessed for each day on which a noticed violation remains in existence beginning thirty (30) days following the Receipt of Notice.

Each day on which the violation occurs shall constitute a separate offense under this Ordinance.

#### SECTION VII. APPEAL

Any property owner receiving Notice under this ordinance may contest his or her liability before a citation hearing officer in accordance with section 195-8 of the Town Code.

#### SECTION VIII. SEVERABILITY CLAUSE.

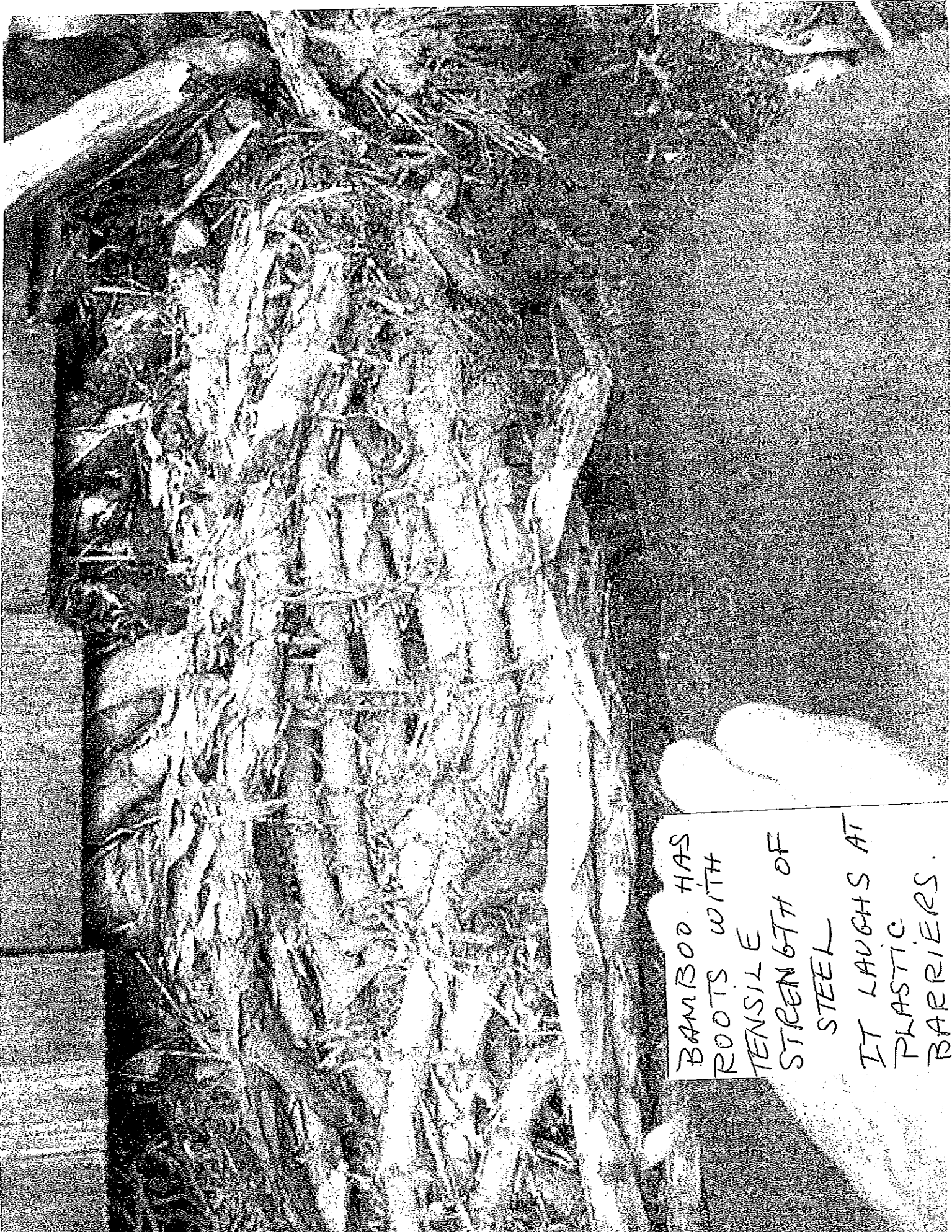
If any part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality, or invalidity shall not affect any of the remaining provisions or parts of this Ordinance and those remaining provisions shall remain in full force and effect.

#### SECTION IX. EFFECTIVE DATE.

This Ordinance shall become effective twenty-one (21) days after its publication in a newspaper having circulation within the Town.

Notice of Amendment of Code adding a new Chapter 175 – An Ordinance, Adopted Pursuant To Conn. Gen. Stat. Section 7-148 (c) (7) (E), Defining Running Bamboo As A Nuisance And Adopting Regulations For the Control of Running Bamboo dated at Orange, CT this 14th day of February 2014.





BAMBOO HAS  
ROOTS WITH  
TENSILE  
STRENGTH OF  
STEEL  
IT LAUGHS AT  
PLASTIC  
BARRIERS.

**Newsday**<http://www.newsday.com/long-island/towns/long-island-now-1.1732330/11-places-on-li-that-have-banned-bamboo-1.5192218>

## Long Island Now

### 11 places on LI that have banned bamboo

Friday May 3, 2013 3:28 PM By Carl Corry



Bans on bamboo across Long Island, like the one passed by the village of Malverne on Wednesday, have gained momentum in the past few years.

Advocates for banning the plant say it is invasive and encroaches on properties, causing damage.

How far back do bamboo bans go?

The Fire Island village of Ocean Beach banned the plant in 1981, according to its village code. It took 27 years for the next area to take up the cause. The village of Saltaire, also on Fire Island, passed a ban in 2008, followed by the villages of Woodsburgh and

Babylon and the Town of Smithtown in 2011. The towns of Brookhaven and Hempstead and the city of Long Beach approved bans in 2012.

This year, the Town of Huntington and the village of Lindenhurst joined the act, with Malverne the latest.

Penalties for growing or maintaining bamboo vary among Long Island municipalities; Malverne might be the only place that offers the potential for jail time -- up to 15 days -- for violating the law.

#### Municipalities on LI that have passed bamboo bans:

Malverne -- May 2013  
 Huntington -- April 2013  
 Lindenhurst -- March 2013  
 Long Beach -- August 2012  
 Hempstead -- July 2012  
 Brookhaven -- July 2012  
 Babylon Village -- September 2011  
 Smithtown -- August 2011  
 Woodsburgh -- April 2011  
 Saltaire -- 2008  
 Ocean Beach -- 1981





Bamboo was dumped in this  
cul de sac and took root and will  
invade surrounding properties

Blue Bird Lane Ledyard CT



Contractors need to be  
educated and certified.  
Rhizomes must be incinerated.

**Local Law #4 of 2013 entitled the "Bamboo Amendment"**  
**amending Local Law 1-2011- "Property Maintenance Code of the Inc.**  
**Village of Malverne" adding Sec. 20A-12**

**Purpose:** The planting or growing of bamboo has been determined to be a community problem due to the destructive nature of the plant to uproot asphalt, concrete and fences of adjoining property owners. Bamboo has a remarkable ability to propagate and spread at an alarming rate, causing harm to adjoining landowners. For this reason, the Board of Trustees has determined it to be necessary to prohibit the planting, growing or maintaining of bamboo on outdoor improved or vacant unimproved property (excluding the inside of a residence as a plant).

**Provision:** It shall be unlawful for any owner, agent of such owner, and/or any person, firm or corporation in possession of any improved real property or vacant unimproved real property, excluding the possession of a plant inside a residence, within the Village of Malverne, to permit planting, growing and/or maintaining of bamboo, whether originating on said property or encroaching thereon from any neighboring property.

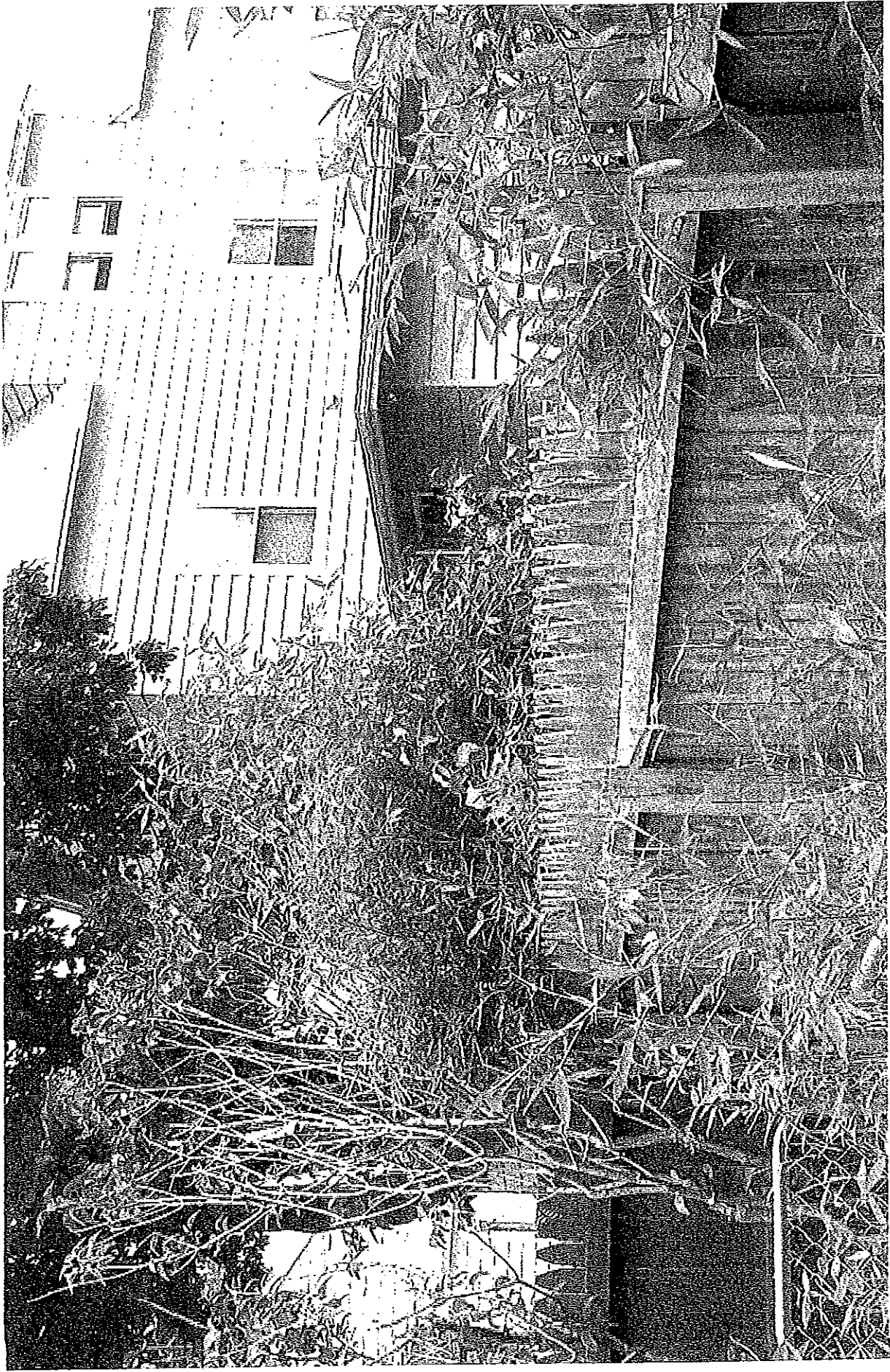
The term "bamboo" shall be defined as any tropical or semi-tropical grass of the genera Bambusa, Dendrocalamus, or of any other related genera.

**Penalties:** The Department of Buildings (i.e. Building Inspector) has the authority to issue a summons for a violation of the provisions of this local law. If necessary, the Department of Buildings can issue a summons once per week in the event an owner, owner's agent, person or corporation fails to remedy an existing condition after being notified by the Department of Buildings of a bamboo condition by being issued an initial summons and failing to remedy the condition within seven (7) days after receipt of the initial summons.

A violation of this provision shall be punishable by a fine of not more than \$350.00 for any such violation or an individual may be subject to up to 15 days incarceration. This law to take effect immediately.

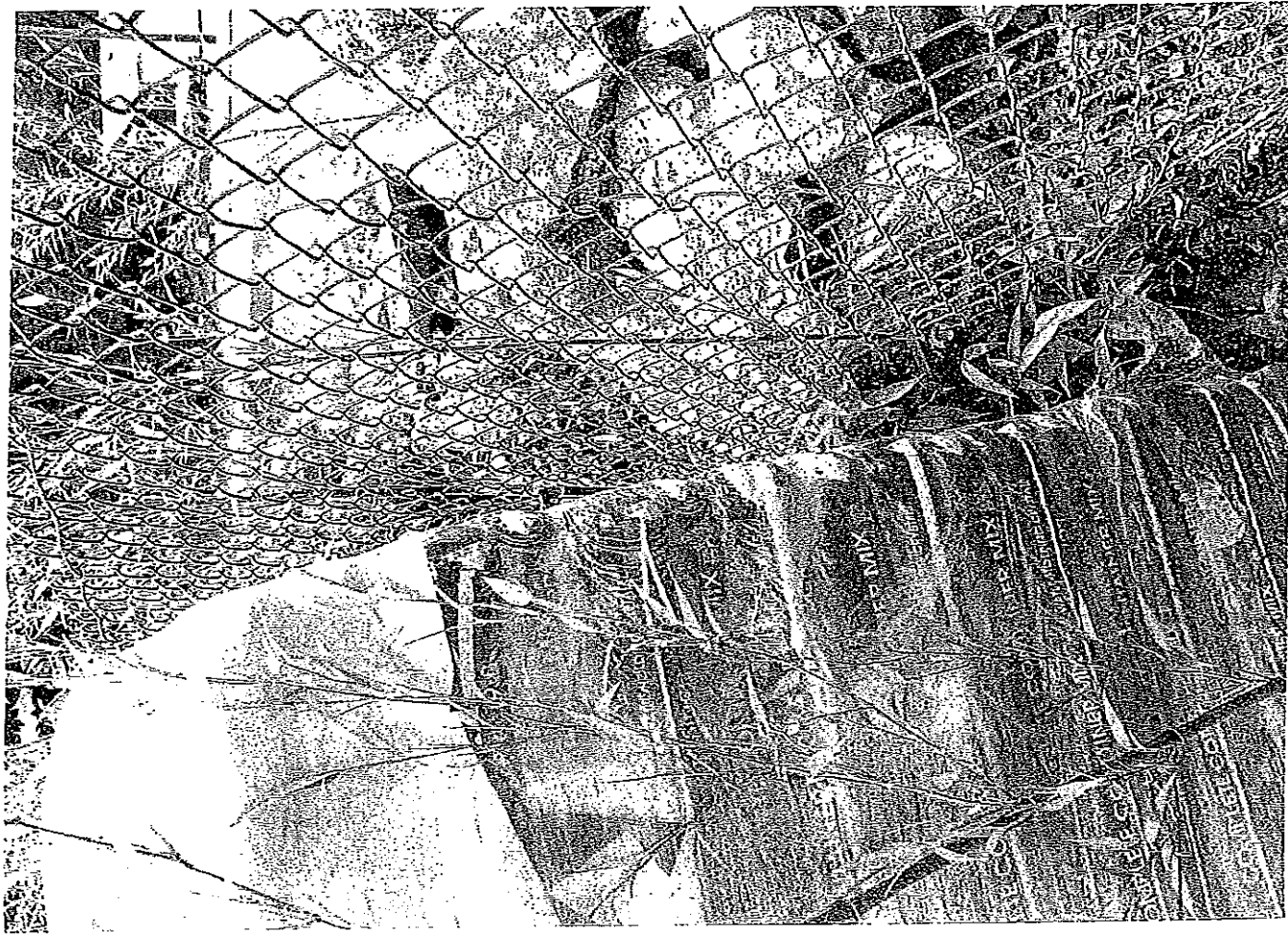
**Resolution: # 130501A**

**Passed on: May 1, 2013**



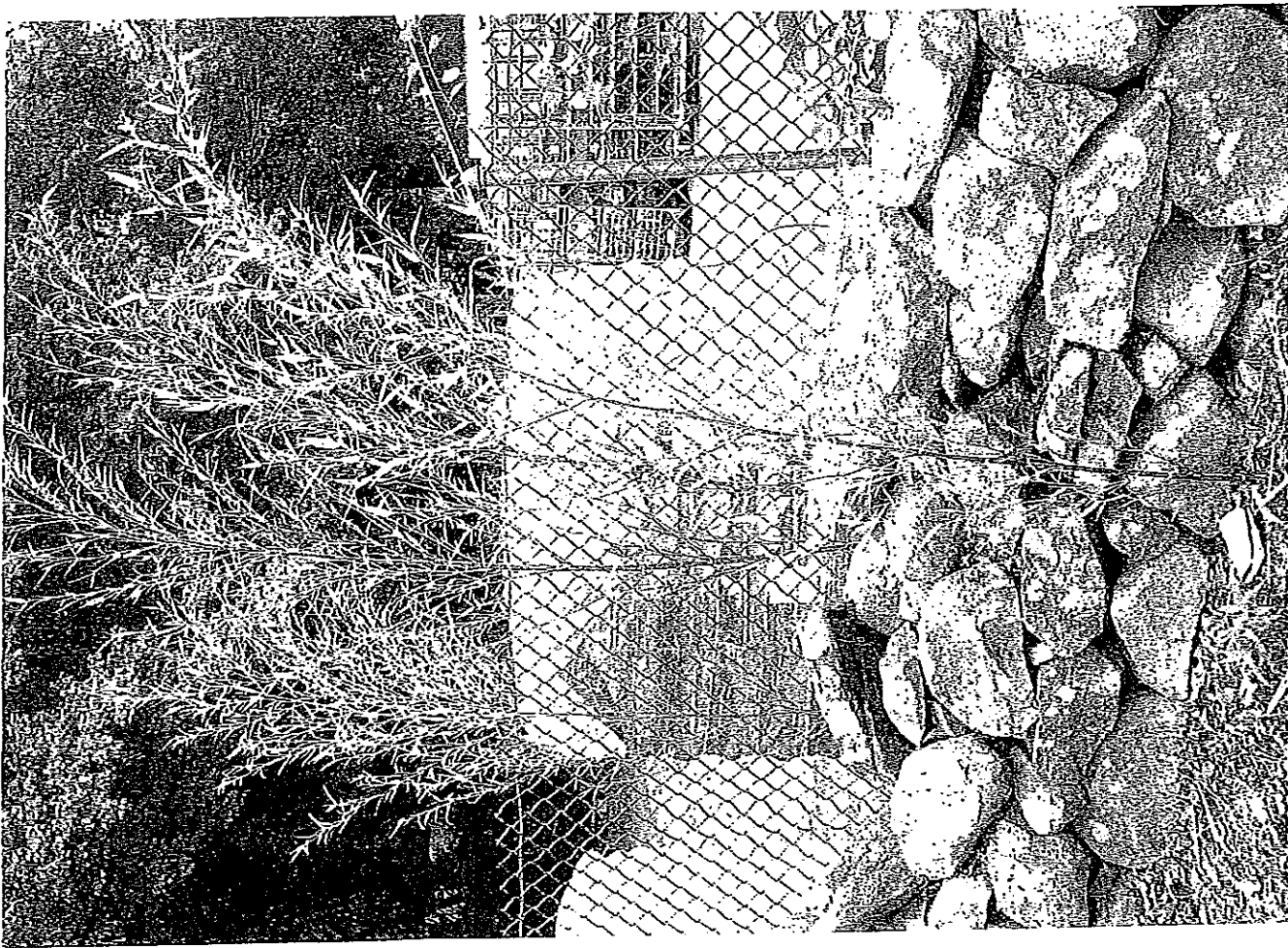
*Bamboo invades 3 properties  
A no bamboo buffer zone is necessary.*





*Thyllostachys Bamboo escapes @ local garden center*





Bamboo escapes @ local garden centre





Montville  
CT

\$140,000.

SEPTIC TANK  
19 FEET AWAY





Poor dog!  
a 100 ft no bamboo buffer  
zone would have prevented  
his misery.

